

CITY COUNCIL MEETING

MAY 15, 2001

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| Date & Time | On the 15th day of May, A.D., 2001, the City Council of the City of Fort Worth, Texas, met in regular session at 10:30 a.m. in the City Council Chamber, 1000 Throckmorton, with the following members and officers present: |
| Attendance | Mayor Kenneth Barr; Mayor Pro tempore Ralph McCloud; Council Members Jim Lane, Chuck Silcox, Becky Haskin, Frank Moss, Clyde Picht, Jeff Wentworth, and Wendy Davis; City Manager Gary Jackson; City Attorney David Yett; City Secretary Gloria Pearson. With more than a quorum present, the following business was transacted. |
| Invocation | The invocation was given by Rabbi Ralph Mecklenburger, Bethel Congregation. |
| Pledge | The Pledge of Allegiance was recited. |
| Minutes | On motion of Mayor Pro tempore McCloud, seconded by Council Member Silcox, the minutes of the regular meeting of May 8, 2001, were approved unanimously. |
| Special Presentations | Council Member Lane presented Proclamations for Asian Pacific American Heritage Month to representatives from Laos, Taiwan, and Hong Kong. Ms. Judy Wong, founder of the Asian American Chamber of Commerce, expressed appreciation for the proclamation and stated that they were honored to represent members of the Asian Community within Fort Worth and afforded this opportunity to provide insight to the Asian community on how City government works. |
| Announcements | Council Member Picht introduced John and Sylvia Gilbert from Wales, United Kingdom, and presented them with City pins. Mayor Barr proclaimed Ms. Gilbert as Honorary Mayor for the Day. Ms. Gilbert, a former government official, briefed the Council on the Welsh form of government and stated that Texan hospitality was seconded to none. Council Member Lane commended Mayor Barr, Ramon Guajardo, and Ricardo Roberto, Director of the International Center, for the resounding success of the NAITCP Conference held last week. Mayor Barr expressed his appreciation to everyone who worked on and at the conference. Council Member Haskin expressed appreciation to the Council, Kathy Livingston, Director of Our City Our Children, and staff for a successful Teen Town Hall Meeting last Saturday. |

**Continued/
Withdrawn By
Staff** **City Manager Jackson requested that Mayor and Council Communication No. G-13236 be continued for one week.**

Consent Agenda **On motion of Council Member Wentworth, seconded by Council Member Silcox, the consent agenda was adopted unanimously.**

**OCS-1211
Claims** **There was presented Mayor and Council Communication No. OCS-1211 from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Risk Management Department. It was the consensus of the City Council that the recommendation be adopted.**

**OCS-1212
Res. No. 2725
Setting Regular
Zoning Hearing** **There was presented Mayor and Council Communication No. OCS-1212 from the Office of the City Secretary recommending that the City Council adopt Resolution No. 2725 setting the regular zoning hearing for June 12, 2001. Mayor Pro tempore McCloud made a motion, seconded by Council Member Silcox, that the recommendation be adopted. The motion carried unanimously.**

**G-13200
Ord. # 14617
Curfew
Ordinance** **There was presented Mayor and Council Communication No. G-13200, dated April 10, 2001, from the City Manager recommending that the City Council:**

- 1. Review the effect of the curfew ordinance for minors on the community and on the problems the ordinance was intended to remedy; and**
- 2. Conduct public hearings on April 10 and 17, 2001 on the need to continue the ordinance; and**
- 3. Adopt Ordinance No. 14617 continuing and amending Section 23-19, "Curfew Hours for Minors," of the Code of the City of Fort Worth, as amended, by revising the effective date and by adding an amended sunset provision; providing a penalty not to exceed \$500.00.**

Council Member Silcox made a motion, seconded by Council Member Lane, that the recommendation be adopted. The motion carried unanimously.

Council Member Davis thanked Deputy Chief Randy Ely, Special Services Bureau, for making teens aware of the City's curfew ordinance. She also requested a staff report on crimes committed by teens after the hours of the curfew, if possible, to allow Council to evaluate the ordinance's impact on juvenile crime.

**G-13227
Ord. # 14618
Fund Portion of
Initial Operating
Costs for Public
Market on Jones
Street**

There was presented Mayor and Council Communication No. G-13227, dated May 8, 2001, from the City Manager recommending that the City Council adopt Supplemental Appropriation Ordinance No. 14618 appropriating \$85,000.00 to General Fund and decreasing the unreserved, undesignated General Fund balance by the same amount for the purpose of providing funding for a portion of the initial operating costs for the Downtown Fort Worth Public Market. Council Member Wentworth made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Lane, Haskin, Moss,
Picht, Wentworth, and Davis

NOES: Council Member Silcox

ABSENT: None

**Reconsideration
Of G-13200**

Council Member Picht requested that the City Council reconsider Mayor and Council Communication No. G-13200.

Council Member Silcox made a motion, seconded by Council Member Davis, to reconsider Mayor and Council Communication No. G-13200 at this time. The motion carried unanimously.

**G-13200
Ord. # 14617
Curfew
Ordinance**

There was presented Mayor and Council Communication No. G-13200, dated April 10, 2001, from the City Manager recommending that the City Council:

1. Review the effect of the curfew ordinance for minors on the community and on the problems the ordinance was intended to remedy; and
2. Conduct public hearings on April 10 and 17, 2001 on the need to continue the ordinance; and

- 3. Adopt Ordinance No. 14617 continuing and amending Section 23-19, "Curfew Hours for Minors," of the Code of the City of Fort Worth, as amended, by revising the effective date and by adding an amended sunset provision; providing a penalty not to exceed \$500.00.**

Council Member Silcox made a motion, seconded by Council Member Wentworth, that the recommendation be adopted.

City Attorney Yett advised Council that the sunset date of 12:01 a.m. April 18, 2004 should be changed to 12:01 a.m. May 15, 2004.

Council Member Silcox amended his motion, which was seconded by Council Member Wentworth, that the recommendation be adopted, as amended.

Council Member Picht stated opposition to the curfew ordinance on the grounds that it infringed upon the rights of individuals.

The motion to approve the curfew ordinance, as amended, carried by the following vote:

**AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Lane, Silcox, Haskin,
Moss, Wentworth, and Davis**

NOES: Council Member Picht

ABSENT: None

**G-13230
Ord. # 14619
Receive Funds
From the Texas
Comptroller of
Public Accounts
for Education
and Training of
City Marshals**

There was presented Mayor and Council Communication No. G-13230 from the City Manager recommending that the City Council:

- 1. Accept the annual payment from the Texas Comptroller of Public Accounts, Law Enforcement Officer Standards and Education account in the amount of \$3,856.47; and**
- 2. Adopt Appropriation Ordinance No. 14619 increasing the estimated receipts and appropriations in the Special Trust Fund in the amount of \$3,856.47 from available funds for the**

purpose of funding continuing education and necessary marshal training in the Warrants Division of the Municipal Courts Department, for persons licensed under Chapter 1701, Occupations Code.

It was the consensus of the City Council that the recommendation be adopted.

G-13231
Ord. # 14620
Ord. # 14621
Approval of
Funds - Library
Books-Resale
Proceeds
Projects and
Addie Levy
Trust Project

There was presented Mayor and Council Communication No. G-13231 from the City Manager recommending that the City Council:

1. Adopt Appropriation Ordinance No. 14620 increasing the estimated receipts and appropriations in the Special Gift Fund in the amount of \$80,000.00 and in the Special Trust Fund in the amount of \$10,000.00 from available funds for the purpose of funding the purchase of library materials; and
2. Approve the transfer of \$80,000.00 from the Special Gift Fund, Library Books-Resale Proceeds Projects, and \$10,000.00 from the Special Trust Fund, Addie Levy Trust Project to the General Fund; and
3. Adopt Supplemental Appropriation Ordinance No. 14621 increasing the estimated receipts and appropriations in the General Fund in the amount of \$90,000.00 from available funds for the purpose of funding the purchase of library materials.

It was the consensus of the City Council that the recommendation be adopted.

G-13232
Ord. # 14622
Lead-Based Paint
Hazard Control
Program Grant
from HUD and
Agreements with
the City of
Denton, the
FWHA, and
Nonprofit
Housing
Organizations

There was presented Mayor and Council Communication No. G-13232 from the City Manager recommending that the City Council:

1. Authorize the City Manager to apply for and accept, if awarded, a three-year grant up to \$3,000,000.00 from the Department of Housing and Urban Development (HUD) for the purpose of undertaking comprehensive programs to identify and control lead-based paint hazards in eligible owner-occupied and rental homes; and

- 2. Authorize the City Manager to enter into agreements or amend such agreements with the City of Denton, the Fort Worth Housing Authority (FWHA), and nonprofit housing organizations within the scope of the program and in compliance with applicable laws and regulations; and**
- 3. Adopt Appropriation Ordinance No. 14622 increasing the estimated receipts and appropriations in the Grants Fund in the amount of \$3,000,000.00 subject to the receipt of the grant from the Department of Housing and Urban Development for the purpose of funding comprehensive programs to identify and control lead-based paint in eligible owner occupied and rental homes; and**
- 4. Approve the use of \$270,000.00 matching Community Development Block Grant funds as the City's matching portion of the grant.**

It was the consensus of the City Council that the recommendation be adopted.

**G-13233
Ord. # 14623
Reappointment
of Health
Authority**

There was presented Mayor and Council Communication No. G-13233 from the City Manager recommending that the City Council adopt Ordinance No. 14623 of the City of Fort Worth providing for the appointment of the Fort Worth Health Authority, Dr. Brian Rogers, D.O. It was the consensus of the City Council that the recommendation be adopted.

**G-13234
Set Public
Hearing
Concerning
Proposed
Reinvestment
Zone Thirty-
Seven**

There was presented Mayor and Council Communication No. G-13234 from the City Manager recommending that the City Council set Tuesday, May 29, 2001, at 10:00 A.M. , as the date and time for a public hearing before the City Council (a) concerning the advisability of establishing Fort Worth Tax Abatement Reinvestment Zone Number 37 for tax abatement purposes, and (b) establishing the boundaries of the proposed zone; and authorize the City Manager to give notice of the public hearing as required by state law. Council Member Haskin made a motion, seconded by Council Member Moss, that the recommendation be adopted. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Lane, Haskin, Moss,
Picht, Wentworth, and Davis

NOES: Council Member Silcox

ABSENT: None

**G-13235
Waive Beverage
Commission for
the Colonial
Country Club
Pro-Am Dinner**

There was presented Mayor and Council Communication No. G-13235 from the City Manager recommending that the City Council approve the request by the Colonial Country Club to waive the customary beverage commission due to the City of Fort Worth for the Pro-Am Dinner to be held at Will Rogers Memorial Center on May 15, 2001. Council Member Davis made a motion, seconded by Council Member Lane, that the recommendation be adopted.

Council Member Haskin expressed concern relative to the staff's inconsistent application of City policy when granting fee waivers for events held at City owned facilities relative to non-profit organizations.

The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Lane, Silcox, Moss, Picht,
Wentworth, and Davis

NOES: Council Member Haskin

ABSENT: None

**G-13236
Continued for
One Week**

It was the consensus of the City Council that Mayor and Council Communication No. G-13236, Recovery Action Plan: Amendment No. 2 to the 1998 Park, Recreation and Open Space Master Plan, be continued for one week.

**G-13237
Accept Gift for
Botanic Garden
from the
Moncrief
Endowment
Committee**

There was presented Mayor and Council Communication No. G-13237 from the City Manager recommending that the City Council authorize the City Manager to accept the gift of a bronze sculpture for the Botanic Garden from the Moncrief Endowment Committee. Council Member Wentworth made a motion, seconded by Council Member Silcox, that the recommendation be adopted, with appreciation. The motion carried unanimously.

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| P-9363 Folding Tables and Caddies | There was presented Mayor and Council Communication No. P-9363 from the City Manager recommending that the City Council authorize the purchase of folding tables and caddies from Midwest Folding Products for the Public Events Department for a cost not to exceed \$79,169.50 based on the low bid meeting specifications with payment due 30 days after receipt of the invoice and freight prepaid and added. It was the consensus of the City Council that the recommendation be adopted. |
| P-9364 Scott Self- Contained Breathing Apparatus | There was presented Mayor and Council Communication No. P-9364 from the City Manager recommending that the City Council authorize the purchase of Scott Self-Contained Breathing Apparatus Equipment from DACO Fire Equipment for the Fire Department at the low total bid of \$212,142.00. Shipping cost is included to the receiving point with payment due 30 days after receipt of the invoice. It was the consensus of the City Council that the recommendation be adopted. |
| P-9365 Paint Preparation Services | There was presented Mayor and Council Communication No. P-9365 from the City Manager recommending that the City Council authorize a one-time purchase of paint preparation services for residential houses from Bernardo Paint, GTO and New World Industries for a total of \$172,375.00 with payment due ten days from the date of the invoice. It was the consensus of the City Council that the recommendation be adopted. |
| L-13045 Sale of Tax- Foreclosure Surplus Property – 722 Essex Street | There was presented Mayor and Council Communication No. L-13045 from the City Manager recommending that the City Council approve the sale of tax-foreclosure property described as Lot 21, Essex Place Addition, Worth Hills Addition (722 Essex Street) to the adjoining property owner, Ygnacio Escutia as allowed by the Texas Local Government Code Section 272.001(B)(1) for \$2,157.00, authorize the City Manager to execute the appropriate deed conveying the property to the adjoining property owner, and record the deed. It was the consensus of the City Council that the recommendation be adopted. |
| L-13046 Permanent Water Line Easement | There was presented Mayor and Council Communication No. L-13046 from the City Manager recommending that the City Council approve the acceptance of one permanent water line easement described as Lot 2, Block 10-A, Fort Worth Stockyards Addition, Tarrant County, Texas, from Stockyards Station Partnership (DOE 2576) for a cost of \$1.00. It was the consensus of the City Council that the recommendation be adopted. |

**L-13047
Sale of Various
Tax Foreclosure
Properties**

There was presented Mayor and Council Communication No. L-13047 from the City Manager recommending that the City Council authorize the sale of five surplus tax foreclosure properties in the Union Depot Addition to the Fort Worth Housing Finance Corporation, in accordance with Ordinance No. 13533 for a total price of \$7,607.00, authorize the City Manager to execute the appropriate deeds conveying the property to the Fort Worth Housing Finance Corporation, and record the deeds. Council Member Davis made a motion, seconded by Council Member Haskin, that the recommendation be adopted. The motion carried unanimously.

**C-18590
Peachtree
Construction**

There was presented Mayor and Council Communication No. C-18590 from the City Manager recommending that the City Council authorize the City Manager to execute Change Order No. 1 to City Secretary Contract No. 26280 with Peachtree Construction in the amount of \$49,500.00 to provide for adjustments in quantities of pay items for HMAC Surface Overlay 2000-8 at various locations, thereby increasing the contract amount to \$844,623.75. It was the consensus of the City Council that the recommendation be adopted.

**C-18591
Interlocal
Agreement with
Tarrant County**

There was presented Mayor and Council Communication No. C-18591 from the City Manager recommending that the City Council authorize the City Manager to execute an Interlocal Agreement with Tarrant County to provide maintenance and repair of North Tarrant Parkway from US Highway 377 west to Fossil Ridge High School at no cost to the City. It was the consensus of the City Council that the recommendation be adopted.

**C-18592
Westhill
Construction,
Inc.**

There was presented Mayor and Council Communication No. C-18592 from the City Manager recommending that the City Council authorize the City Manager to execute the first renewal of the annual contract with Westhill Construction, Inc. in the amount of \$697,175.00 for the construction of approximately 40,000 linear feet of sidewalk improvements at various locations. It was the consensus of the City Council that the recommendation be adopted.

**Z-01-025
Approved** It appeared that the City Council, at its meeting of May 8, 2001, continued the hearing of the application of Jerry Surber by Hoss Rassouli for a change in zoning of property located at 3100 Jimisons Lane from "AG" Agricultural to "MH" Manufactured Housing, Zoning Docket No. Z-01-025. Mayor Barr asked if there was anyone present desiring to be heard.

Gordon Swift Mr. Gordon Swift, 900 Monroe Street, appeared before Council in favor of the zoning change. He addressed Council's concern relative to the illegal railroad crossing identified by the Transportation Authority, security fencing, noise buffer, and landscaping.

Hoss Rassouli Mr. Hoss Rassouli, 159 Mesa Ridge Road, Decatur, Texas, appeared before Council in favor of the zoning change. He stated that a masonry wall could be built if Council were opposed to the proposed chain link fence. He stated that the area could not support any commercial development due to demographics of the area.

Jerry Surber Mr. Jerry Surber, 3100 Jimisons Lane, appeared before Council in favor of the zoning change. He stated that the development far exceeded anything that could be constructed there and requested Council approval of the zoning change.

Council Member Davis asked staff if the City's parkland dedication policy could be applied to this development.

Mr. Bob Riley, Director of the Development Department, stated that manufactured home parks are not subject to the park dedication policy because they are processed as building permits, not subdivisions. However, the ordinance does require that five percent of the gross site be reserved for recreation amenities and further advised Council that the streets within this community were private streets.

Council Member Davis stated that the policy should be reviewed to make sure that these types of developments comply with the same policies as other developments within the City.

There being no one else present desiring to be heard, Council Member Moss made a motion, seconded by Council Member Haskin, that the application of Jerry Surber by Hoss Rassouli for a change in zoning of property located at 3100 Jimisons Lane from "AG" Agricultural to "MH" Manufactured Housing, Zoning Docket No. Z-01-025 be denied.

Council Member Silcox made a substitute motion, seconded by Council Member Wentworth, to approve the recommendation as presented. The motion carried by the following vote:

AYES: Mayor Barr; Council Members Lane, Silcox, Picht, Wentworth, and Davis

NOES: Mayor Pro tempore McCloud; Council Members Haskin and Moss

ABSENT: None

**Z-01-018
Approved
Ord. # 14624
Text
Amendment**

It appeared that the City Council, at its meeting of May 8, 2001 continued the hearing of Text Amendment repealing gross floor area restrictions for bakeries, laundries, dry cleaners, washaterias and recording studios; allowing one dwelling unit when part of a business; allowing model homes for three years; increasing permissible heights of multi-family buildings, allowing for 6-foot wrought iron fences with 6-foot, 6-inch masonry columns in front yards of multi-family developments; and clarifying restrictions on maximum allowable outdoor storage for large retail stores, Zoning Docket No. Z-01-018. Mayor Barr asked if there was anyone present desiring to be heard.

There being no one else present desiring to be heard, Council Member Silcox made a motion, seconded by Council Member Wentworth, that Ordinance No. 14624 Text Amendment repealing gross floor area restrictions for bakeries, laundries, dry cleaners, washaterias and recording studios; allowing one dwelling unit when part of a business; allowing model homes for three years; increasing permissible heights of multi-family buildings, allowing for 6-foot wrought iron fences with 6-foot, 6-inch masonry columns in front yards of multi-family developments; and clarifying restrictions on maximum allowable outdoor storage for large retail stores, Zoning Docket No. Z-01-018, be approved with the following amendment:

Amend Section 6.506, "Unified Residential Development," subsection D.3.b "Side and Rear Yards," to read as follows:

Structures shall meet the following requirements on any side which is adjacent to a one- or two-family district: The structure shall be set back three feet for every one foot of building height as measured from the slab to the top of the sill plate or set back two feet for each one foot in overall building height when measured from lowest finished grade to top of the peak of the roof, whichever measurement is greater. For purposes of determining such setback, building height shall be measured along the building face exposed to the closest property line to the sill plate or the peak of the roof. A five-foot buffer yard and six-foot screen fence shall be placed on the property line, and to reincorporate the language to allow 32 feet as the maximum height from slab to plate, previously stricken from the introduction and Article 7 of Sections 8, 9 and 10 of the ordinance.

ORDINANCE NO. 14624

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, TO AMEND SECTION 4.803, THE NONRESIDENTIAL DISTRICT USE TABLE, REPEAL THE CORRESPONDING SECTIONS 5.105 AND 5.119 AND AMEND THE CORRESPONDING SECTION 5.128 TO DELETE SUPPLEMENTAL USE STANDARDS RELATING TO GROSS FLOOR AREA RESTRICTIONS FOR BAKERIES, LAUNDRIES, DRY CLEANING, WASHATERIAS AND RECORDING STUDIOS IN COMMERCIAL DISTRICTS; TO AMEND SECTION 4.803, THE NONRESIDENTIAL DISTRICT USE TABLE TO PERMIT ONE HOUSEHOLD DWELLING UNIT WHEN PART OF A BUSINESS IN F-R THROUGH K DISTRICTS; AMEND SECTION 5.403 TO ALLOW MODEL HOMES IN A RESIDENTIAL DISTRICT FOR A TIME LIMIT OF THREE YEARS; AMEND SECTION 5.304A TO ALLOW SIX FOOT WROUGHT IRON TYPE FENCE IN THE FRONT YARD OF MULTIFAMILY DEVELOPMENTS, AMEND THE TABLE COMMENTARIES IN SECTIONS 4.705C(2), 4.706C(2) AND 4.707C(2) TO ALLOW 32 FEET AS THE MAXIMUM HEIGHT FROM SLAB TO TOP PLATE AND TO ALLOW SIX FOOT WROUGHT IRON TYPE FENCE IN THE FRONT YARD OF MULTIFAMILY DEVELOPMENTS; AMEND SECTION 5.132A, STORE, LARGE RETAIL, TO CLARIFY THE PERCENTAGE OF DISPLAY, OUTDOOR SALES AND STORAGE AREAS FOR LARGE RETAIL STORES, PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND NAMING AN EFFECTIVE DATE.

The motion carried unanimously.

Z-01-027
Approved

It appeared that the City Council, at its meeting of May 8, 2001, continued the hearing of the application of City of Fort Worth Planning Department for a change in zoning of property located at 2405 Lena Street, 4300 Avenue H, 1954 South Edgewood Terrace, 5101 Pinson, 2803 Burger, 3012 Dillard, 5220-5300 Anderson Street, 5829 Whittlesey Road, 4817 Flamingo Road, 4113 Dowdell Street, and 3317 Burton Avenue from "B" Two-Family to "A-5" One-Family, Zoning Docket No. Z-01-027. Mayor Barr asked if there was anyone present desiring to be heard.

There being no one else present desiring to be heard, Council Member Moss made a motion, seconded by Council Member Davis, that the application of City of Fort Worth Planning Department for a change in zoning of property located at 2405 Lena Street, 4300 Avenue H, 1954 South Edgewood Terrace, 5101 Pinson, 2803 Burger, 3012 Dillard, 5220-5300 Anderson Street, 5829 Whittlesey Road, 4817 Flamingo Road, 4113 Dowdell Street and 3317 Burton Avenue from "B" Two-Family to "A-5" One-Family, Zoning Docket No. Z-01-027 be approved with the following lot size amendments: 5101 Pinson remain at "A-5" One-Family; and 3012 Dillard and 5220-5300 Anderson Streets be zoned "A-10" One-Family.

The motion carried unanimously.

It appeared that the City Zoning Commission set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896, and that notice of the hearing had been given by publication in the Commercial Recorder, the official newspaper of the City of Fort Worth, on April 27, 2001. Mayor Barr asked if there was anyone present desiring to be heard.

Z-01-069
Approved

Council Member Lane made a motion, seconded by Council Member Silcox, that the application of Hopkins Commercial Real Estate by James W. Schell for a change in zoning of property located in the 8300-8700 Blocks of North Beach from "C" Multi-Family to "E" Commercial, Zoning Docket No. Z-01-069, be approved. The motion carried unanimously.

It appeared that the City Zoning Commission set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896, and that notice of the hearing had been given by publication in the Commercial Recorder, the official newspaper of the City of Fort Worth, on April 20, 2001. Mayor Barr asked if there was anyone present desiring to be heard.

Z-01-032
Continued Until
June 12, 2001

Council Member Picht made a motion, seconded by Council Member Wentworth, that Zoning Docket No. Z-01-032, Text Amendment Establishing Regulations for Food Vendors, Temporary Vendors, and Transient Vendors, be continued until June 12, 2001.

Council Member Picht requested that staff make a presentation relative to this text amendment prior to the June 12th City Council meeting.

Council Members Lane and Haskin excused themselves from the Council table at this time.

Vernon Phillips

Mr. Vernon Phillips, 4300 Misty Meadow, appeared before Council and requested their assistance in obtaining a waiver in order to allow him to begin operating his snow-cone stand inasmuch as this proposed one month delay would negatively impact his business .

Bob Riley advised Council that a certificate of occupancy was not required for the operation of snow-cone stands.

City Manager Jackson requested Mr. Phillips speak with Mr. Riley regarding his concerns.

The motion to continue Zoning Docket No. Z-01-032 until June 12, 2001, carried unanimously.

There being no one else present desiring to be heard in connection with the recommended changes and amendments to Zoning Ordinance No. 13896, Council Member Silcox made a motion, seconded by Council Member Wentworth, that the hearing be closed and that the following ordinance be adopted:

ORDINANCE NO. 14625

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY RESIDENCE AND OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF THE BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS AND THE BOUNDARIES THEREOF UPON "DISTRICT MAPS"; PURPOSE AND CONFLICT; PROVIDING CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

The motion carried unanimously.

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| Citizen Presentations Jackie Andrews | Mr. Jackie Andrews, P.O. Box 17477, appeared before the Council regarding Andrew's Caviar Castle. |
| Edward Drew | Mr. Edward Drew, 1901 Stephens, appeared before the Council regarding Universal Enterprises of America. |
| George Vernon Chiles | Mr. George Vernon Chiles, 2800 Jennings, appeared before the Council regarding building a memorial. |
| Monnie Gilliam | Mr. Monnie Gilliam, 1100 Vicki Lane, appeared before Council and asked for their support and City staff's support to participate in the Community Health and Wellness Fair, May 19, 2001, at the Hillside Community Center, 1201 E. Maddock. He stated that anyone desiring information could call 1-888-442-7747. |
| Executive Session | It was the consensus of the City Council that they recess into Executive Session at 11:47 a.m. to: 1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules: |

- a) S.N. Livingston, et al v. City of Fort Worth, Cause No. 352-176354-98 (352nd District Court, Tarrant County);**
- b) Bradley W. Hickey, et al v. City of Fort Worth, Cause No. 348-185345-00 (348th District Court, Tarrant County);**
- c) Fort Worth Professional Fire Fighters Association, Jim Tate, J.R. Sullivan, Landon Stallings, Pat Vasquez, and Don Westmoreland, Jr. v. City of Fort Worth, Cause No. 17-185635-00 (17th District Court, Tarrant County);**
- d) William Mixon v. Dale Gregory, Cause No. 236-177406-99 (236th District Court, Tarrant County);**
- e) Legal issues concerning any City Council agenda item;**

**as authorized by Section 551.071 of the Texas Government Code;
and**

- 2. Discuss the purchase, sale, lease or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and**

Reconvened The City Council reconvened into regular session at 1:05 p.m.

Adjournment There being no further business, the meeting was adjourned at 1:05 p.m.